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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Robert J. Sweeney et al.

Title: DRUG DELIVERY SYSTEM FOR IMPLANTABLE MEDICAL DEVICE

Docket No.: 279.238US2

Serial No.: 10/743,507

Filed: December 22, 2003

Due Date: N/A

Examiner: Matthew F. DeSanto

Group Art Unit: 3763


Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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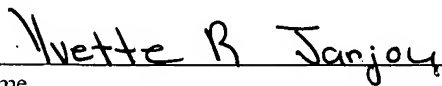
- ☒ Communication Re: Incorrect Filing Receipt (1 pg.)
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- ☒ Copy of signed Declaration and Power of Attorney (4 pgs.)

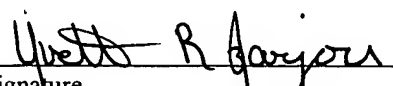
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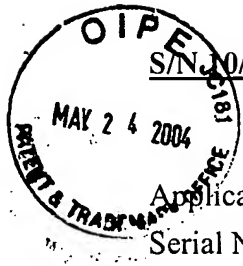
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
Customer No: 21186

By:   
Name: Timothy E. Bianchi  
Reg. No. 39,610  
TEB:CMG:yj

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Name

  
Signature



S/N 10/743,507

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Robert J. Sweeney et al.

Examiner: Matthew F. DeSanto

Serial No.: 10/743,507

Group Art Unit: 3763

Filed: December 22, 2003

Docket: 279.238US2

Customer No. 21186

Confirmation No. 9409

Title: DRUG DELIVERY SYSTEM FOR IMPLANTABLE MEDICAL DEVICE

**COMMUNICATION RE: INCORRECT FILING RECEIPT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Applicants hereby request correction of the Filing Receipt with respect to the above-identified patent application. In the Filing Receipt received April 8, 2004, (copy enclosed), the second named applicants name is incorrect. The Filing Receipt reads: Ayram Scheiner, Vadnais Heights, MN. The Filing Receipt should read: Avram Scheiner, Vadnais Heights, MN. This is evidenced by the signed combined Declaration and Power of Attorney (copy enclosed) filed with the application.

Applicants would appreciate the above-identified printing error be corrected and that a new "corrected" filing receipt be sent to Applicants' representatives at the address given below.

Respectfully submitted,

ROBERT J. SWEENEY ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
(612) 373-6912

Date

May 20, 2004

By

[Signature]

Timothy E. Bianchi  
Reg. No. 39,610  
TEB:CMG:yrtj

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Name

Yvette R. Jarjon

Signature

[Signature]



UNITED STATES PATENT AND TRADEMARK OFFICE

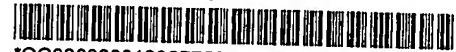
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/743,507	12/22/2003	3763	770	279.238US2	3	10	1

21186  
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. BOX 2938  
MINNEAPOLIS, MN 55402

CONFIRMATION NO. 9409

FILING RECEIPT



\*OC000000012267756\*

Date Mailed: 04/05/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

Robert J. Sweeny, Woodbury, MN;  
Ayram Scheiner, Vadnais Heights, MN;  
Ronald W. Heil JR., Roseville, MN;

**Assignment For Published Patent Application**

Cardiac Pacemakers, Inc.;

**Domestic Priority data as claimed by applicant**

This application is a DIV of 09/740,129 12/18/2000 PAT 6,689,117

**Foreign Applications**

If Required, Foreign Filing License Granted: 04/02/2004

Projected Publication Date: 07/15/2004

Non-Publication Request: No

Early Publication Request: No

**Title**

Drug delivery system for implantable medical device

FRCT

PORTFOLIO I.P.

APR 08 2004

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

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SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH

**United States Patent Application**  
**COMBINED DECLARATION AND POWER OF ATTORNEY**

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **DRUG DELIVERY SYSTEM FOR IMPLANTABLE MEDICAL DEVICE**.

The specification of which was filed on December 18, 2000 as application serial no. 09/740,129.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. § 1.56 (attached hereto). I also acknowledge my duty to disclose all information known to be material to patentability which became available between a filing date of a prior application and the national or PCT international filing date in the event this is a Continuation-In-Part application in accordance with 37 C.F.R. §1.63(e).

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

**No such claim for priority is being made at this time.**

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

**No such claim for priority is being made at this time.**

I hereby claim the benefit under 35 U.S.C. § 120 or 365(c) of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

**No such claim for priority is being made at this time.**

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Anglin, J. Michael	Reg. No. 24,916	Huebsch, Joseph C.	Reg. No. 42,673	Nielsen, Walter W.	Reg. No. 25,539
Beekman, Marvin L.	Reg. No. 38,377	Jurkovich, Patti J.	Reg. No. 44,813	Oh, Allen J.	Reg. No. 42,047
Bianchi, Timothy E.	Reg. No. 39,610	Kalis, Janal M.	Reg. No. 37,650	Padys, Danny J.	Reg. No. 35,635
Billion, Richard E.	Reg. No. 32,836	Kaufmann, John D.	Reg. No. 24,017	Parker, J. Kevin	Reg. No. 33,024
Black, David W.	Reg. No. 42,331	Klima-Silberg, Catherine I.	Reg. No. 40,052	Perdok, Monique M.	Reg. No. 42,989
Brennan, Leoniede M.	Reg. No. 35,832	Kluth, Daniel J.	Reg. No. 32,146	Peterson, David C.	Reg. No. P-47,857
Brennan, Thomas F.	Reg. No. 35,075	Lacy, Rodney L.	Reg. No. 41,136	Prout, William F.	Reg. No. 33,995
Brooks, Edward J., III	Reg. No. 40,925	Lemaire, Charles A.	Reg. No. 36,198	Schumm, Sherry W.	Reg. No. 39,422
Chu, Dinh C.P.	Reg. No. 41,676	LeMoine, Dana B.	Reg. No. 40,062	Schwegman, Micheal L.	Reg. No. 25,816
Clapp, Richard R.	Reg. No. 31,751	Lundberg, Steven W.	Reg. No. 30,568	Scott, John C.	Reg. No. 38,613
Clark, Barbara J.	Reg. No. 38,107	Maeyaert, Paul L.	Reg. No. 40,076	Smith, Michael G.	Reg. No. 45,368
Clise, Timothy B.	Reg. No. 40,957	Maki, Peter C.	Reg. No. 42,832	Speier, Gary J.	Reg. No. 45,458
Dahl, John M.	Reg. No. 44,639	Malen, Peter L.	Reg. No. 44,894	Steffey, Charles E.	Reg. No. 25,179
Drake, Eduardo E.	Reg. No. 40,594	Mates, Robert E.	Reg. No. 35,271	Stordal, Leif T.	Reg. No. 46,251
Embretson, Janet E.	Reg. No. 39,665	McCrackin, Ann M.	Reg. No. 42,858	Terry, Kathleen R.	Reg. No. 31,884
Fordenbacher, Paul J.	Reg. No. 42,546	Moore, Charles L., Jr.	Reg. No. 33,742	Tong, Viet V.	Reg. No. 45,416
Forrest, Bradley A.	Reg. No. 30,837	Nama, Kashi	Reg. No. 44,255	Viksmins, Ann S.	Reg. No. 37,748
Gamon, Owen J.	Reg. No. 36,143	Nasiedlak, Tyler L.	Reg. No. 40,099	Vogel, Peter J.	Reg. No. 41,363
Harris, Robert J.	Reg. No. 37,346	Nelson, Albin J.	Reg. No. 28,650	Woessner, Warren D.	Reg. No. 30,440
Hill, Stanley K.	Reg. No. 37,548				

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to Schwegman, Lundberg, Woessner & Kluth, P.A. at the address indicated below:

P.O. Box 2938, Minneapolis, MN 55402  
Telephone No. (612)373-6900

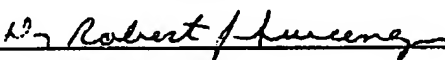
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 1: **Robert J. Sweeney**

Citizenship: **United States of America**

Residence: **Woodbury, MN**

Post Office Address: **7853 Cobblestone Road  
Woodbury, MN 55125**

Signature:   
Robert J. Sweeney

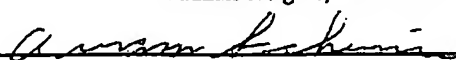
Date: 3/5/01

Full Name of joint inventor number 2: **Avram Scheiner**

Citizenship: **United States of America**

Residence: **Vadnais Heights, MN**

Post Office Address: **4403 Meadowood Circle  
Vadnais Heights, MN 55127**

Signature:   
Avram Scheiner

Date: 3/6/01

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 3 : **Ronald W. Heil, Jr.**  
Citizenship: **United States of America**  
Post Office Address: **2312 Western Avenue North**  
**Roseville, MN 55113**

Residence: **Roseville, MN**

Signature: \_\_\_\_\_

Ronald W. Heil, Jr.

Date: \_\_\_\_\_

**March 5, 2001**

Full Name of inventor:  
Citizenship:  
Post Office Address:

Residence:

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Full Name of inventor:  
Citizenship:  
Post Office Address:

Residence:

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Full Name of inventor:  
Citizenship:  
Post Office Address:

Residence:

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.